IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.80 OF 2006
IN
APPEAL FROM ORDER NO.12299 OF 2006
WITH
CIVIL APPLICATION ST.NO.12300 OF 2006

Dashrath Ganpat Parker. ..Applicant.

V/s.

Municipal Corpn. of Gr.Mumbai & Anr. ..Respondents.

Mr.Sachin V.Masurkar for applicant.

Mrs.Geeta Joglekar for BMC.

CORAM: A.M.KHANWILKAR,J

DATE : JULY 31, 2006.

P.C. :

1. The explanation offered in the application is unacceptable. However, as the litigant should not suffer for the mistake of the advocate on record, application is allowed in terms of prayer clause (a) on condition that the advocate on record for the applicant shall pay costs to the High Court Legal Services Committee quantified at Rs.1,000/- within one week from today and produce receipt before the office regarding payment, failing which office to proceed on the assumption that this application has been dismissed for non-prosecution without further reference to the court.

2. If payment is made in time, restored proceeding be listed under appropriate caption as per its turn.